

THE SENATE OF CANADA



PROCEEDINGS

OF THE

STANDING COMMITTEE

ON

BANKING AND COMMERCE

ON

BILL J—An Act respecting Shipping in Canada

No. 3

The Honourable FRANK B. BLACK,
Chairman

WITNESSES:

- Mr. Frederick Dorion, representing the pilots of the Quebec district.
Captain G. E. Robertson, Director of Pilotage, Department of Marine,
Ottawa, Ontario.
- Mr. W. Langlois, President of the Quebec Pilotage District.
Captain Mitchell, Halifax, Nova Scotia, Superintendent of Examiners,
Department of Marine.
- Mr. Jean St. Germain, Montreal, Quebec, representing the pilots of the
Montreal District.
- Mr. A. L. W. MacCallum, Montreal, Quebec, representing the Shipping
Federation of Canada.
- Mr. W. H. Duthie, Montreal, Quebec, representing the Canada Steamship
Lines.
- Captain E. A. Landry.

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STANDING COMMITTEE ON BANKING AND COMMERCE

The Honourable FRANK B. BLACK, Chairman

The Honourable Senators:

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Griesbach.	Planta.	Wilson (<i>Sorel</i>).

(42).

SEP 21 1943¹

THURSDAY, April 6, 1933.

The Standing Committee on Banking and Commerce to whom was referred the Bill J, "An Act respecting Shipping in Canada," resumed this day at 11 a.m.

Hon. Mr. Black in the Chair.

The CHAIRMAN: Mr. St. Germain, did you finish your evidence yesterday?

Mr. ST. GERMAIN: Yes, thank you.

The CHAIRMAN: Mr. Frederick Dorion, representing the pilots of the Quebec district, is here.

Mr. FREDERICK DORION: Mr. Chairman and honourable gentlemen, I have prepared a memorandum containing suggestions that we wish to make to this Committee on behalf of the pilots in the district of Quebec.

Firstly, may I refer to paragraph 70 of section 3, on page 8 of the Bill. The last part of this paragraph says "If the pilotage authority is the Minister of Marine, it includes the Deputy Minister of Marine." We would like it provided that "in the pilotage district of Quebec, the pilotage authority is the Minister of Marine only." We wish to keep in the new law the provisions that we have in the present law with respect to the pilotage district of Quebec. Paragraph (e) of section 391 of the Canada Shipping Act, which is chapter 186 of the Revised Statutes of Canada, 1927, says:—

expressions referring to the pilotage authorities of the district for which pilots are licensed, as applied to pilots for and above the harbour of Quebec, mean and include only the Minister;

and section 395 of the same Act says:—

The Minister shall be the pilotage authority of the pilotage district of Quebec, and all the powers vested in the Harbour Commissioners of Quebec, previously to the twentieth day of July in the year one thousand nine hundred and five, as such pilotage authority, shall continue to be vested in the Minister.

Hon. Mr. DANDURAND: You want to exclude the Deputy Minister?

Mr. DORION: Yes.

Right Hon. Mr. MEIGHEN: The Deputy might be better than the Minister.

Mr. DORION: He might be, but we prefer to deal with the Minister.

Hon. Mr. DANDURAND: The Minister might be a changing quality.

Hon. Mr. L'ESPERANCE: Are you willing to take a chance?

Mr. DORION: Yes. We prefer to deal with the Minister himself.

Right Hon. Mr. MEIGHEN: There is no Deputy now.

Mr. DORION: Our second suggestion is in connection with section 374 of the Bill. This section states that the pilotage district of Quebec shall comprise that part of the river St. Lawrence from the western limits of the Harbour of Quebec to an imaginary line drawn from the pilotage grounds off Father Point on the south shore and the anchorage grounds off Cape Colombine on the north shore of the river St. Lawrence and so on. The proper name of the Cape is "Colombier." We suggest that the words "the pilotage grounds off Father Point on the south shore and the anchorage grounds off Cape Colombine on the north shore" be replaced by the words "Father Point Lighthouse on the south shore and Cape Colombier on the north shore." We say that there are no pilotage grounds off Father Point.

Right Hon. Mr. MEIGHEN: Perhaps Captain Robertson can tell us why the section is drawn in this way.

Captain ROBERTSON: The old Act takes the imaginary line from the Father Point shore to the other shore. We must have a line there. All ships must call at Father Point to pick up a pilot.

Hon. Mr. L'ESPERANCE: Is that in the law now?

Captain ROBERTSON: Yes, and it is on the chart too.

Hon. Mr. CASGRAIN: You want the ships to come to Father Point as they have been doing for a century or more?

Captain ROBERTSON: Yes. But we must keep our district from shore to shore.

Right Hon. Mr. MEIGHEN: I do not understand just what is suggested.

Mr. DORION: The Bill says that the imaginary line is drawn from the pilotage grounds off Father Point and the anchorage grounds off Cape Colombier. We submit there are no pilotage grounds off Father Point, and that the line should be drawn from Father Point Lighthouse.

Hon. Mr. CASGRAIN: Perhaps the difficulty is due to the use of the word grounds. To a French person that suggests land, but the word is used in the English language to indicate not only land but certain areas of water. For instance, there are grounds in the Harbour of Montreal.

Right Hon. Mr. MEIGHEN: Captain Robertson tells me that it would not do to have the imaginary line drawn from Father Point Lighthouse to Colombier, but that there must be a district within the neighbourhood of Father Point into which the ships have to come, otherwise there would be collisions. I do not know whether I have stated it properly, but that is what I understand Captain Robertson to say.

Hon. Mr. CASGRAIN: All the ships have been coming to Father Point. The river there is 26 miles wide. According to the law as it is now ships can go right up to Quebec without a pilot, if there is no pilot offering. How could a pilot staying at Father Point spot a ship 26 miles off? It would be below the water-line. That is ridiculous. Here is an amendment I want to submit:

Every incoming ship except those exempted will take on a pilot at Father Point. Penalty five hundred dollars.

Right Hon. Mr. MEIGHEN: I see some objection to the way the section reads now. It says the imaginary line shall be drawn from the pilotage grounds off Father Point. Now, pilotage grounds are an area, and you cannot draw a line from an area but only from a point in an area. It may be necessary to say from some particular point on the pilotage ground.

Captain ROBERTSON: It is a technical term used by shipping men. It has been understood and has worked out satisfactorily. We must not confine ourselves to any close place, otherwise there may be as many as twenty ships coming to one spot in a day, and there would be the possibility of collisions.

Hon. Mr. DANDURAND: Nevertheless, all the ships must draw near to Father Point to pick up their pilots.

Captain ROBERTSON: I have a book here which is used by mariners all over the world. We issue a notice to mariners and it is sent to the Admiralty in London, and they spread it around through their notices. Every ship that traverses the high seas knows that the pilotage station is Father Point.

Mr. DORION: We want it stated in the law as well as in that book. What we are saying is that there are no pilotage grounds, the law does not define them. We want the law made clear.

Right Hon. Mr. MEIGHEN: I am inclined to agree with Mr. Dorion. A line should be described from one point to another.

The CHAIRMAN: Now that we have heard what the witness has to say about this, I suggest that we consider the matter later when we are going over the Bill in detail, and that we ask the witness to pass on to his next point now.

Mr. DORION: In section 375 the pilotage district of Montreal is defined as follows:—

The pilotage district of Montreal shall comprise that part of the river St. Lawrence from the eastern end of the Lachine Canal to the eastern limit of the harbour of Quebec together with those parts of all rivers, waters, harbours, creeks, bays and coves within the said limits.

The district of Quebec starts from the western limits of the harbour, but this section says that the district of Montreal shall extend as far as the eastern limits of Quebec harbour. That would mean an overlapping of the two districts.

Hon. Mr. CASGRAIN: A Montreal pilot can bring a ship up from Quebec.

Mr. DORION: That is covered by subsection (2) of section 406. We do not want the Montreal pilots to have the same rights in the harbour of Quebec that the Quebec pilots have; and I may say that the Montreal pilots do not oppose our suggestion that the Montreal district should extend only to the western limits of the harbour of Quebec.

Mr. ST. GERMAIN: We do not object to that. On the contrary, we think the word "eastern" was put there in error, and that it should be "western."

Captain ROBERTSON: No.

Right Hon. Mr. MEIGHEN: Captain Robertson differs with you. It is another instance of experts failing to agree.

Captain ROBERTSON: There must be an overlapping to enable the Montreal pilots to take ships up from Quebec harbour.

Mr. DORION: But that is covered by subsection (2) of section 406. And if section 375 remains the way it is Montreal pilots would have Quebec harbour in their district.

Captain ROBERTSON: Under the present Act the pilotage district of Montreal starts at Portneuf, which is 20 miles above the harbour of Quebec. Now, we cannot transfer pilots at Portneuf, but we take them down on some steamer to the dock in Quebec, or wherever they are going. Perhaps we could meet the difficulty by making the harbour of Quebec neutral territory.

Mr. DORION: Section 406 of the Bill reads:—

(1) If any master of a ship which is not an exempted ship removes such ship or causes such ship to be removed from one place to another within any pilotage district, without the assistance of a licensed pilot, he shall pay to the pilotage authority the same pilotage dues as he would have been liable to pay if he had obtained the assistance of one such licensed pilots.

(2) This provision shall not apply to the master of any ship actually proceeding to Montreal or elsewhere above the harbour of Quebec, in charge of a pilot for the pilotage district of Montreal.

We suggest that the words "or coming from" be inserted after the words "proceeding to" in subsection (2).

Hon. Mr. CASGRAIN: Where is the western limit of Quebec harbour?

Mr. DORION: Near Quebec bridge, just a little bit above Quebec bridge. Then we come to section 381.

Hon. Mr. DANDURAND: There is no change there.

Mr. DORION: Oh, yes there is. Article 413 of the old law reads:

The pilotage authority of any district other than the pilotage authority of Quebec.

What we want is the insertion of this expression "other than the pilotage authority of Quebec" after the words "of any district."

Captain ROBERTSON: The reason of that, sir, is that in 1906 all pilotage districts in Canada were under a pilotage authority composed of three or five men. Since then we have brought a number of districts, namely Montreal, Quebec, Halifax, St. John, Sydney and British Columbia, under the minister. Therefore, as the Civil Service Commission automatically takes care of all officials working under the minister, we do not require a secretary-treasurer. If it is necessary to have a secretary-treasurer for Quebec, we should have secretary-treasurers for Montreal, Sydney, St. John and Halifax.

Mr. DORION: We submit that this will bring to the Quebec pilots some expenses that they now do not have to pay, because in 1906 there was an agreement between the Minister of Marine and the Quebec pilots—and you have the letter signed by the Deputy Minister of Marine at the time—which was passed when the pilots of Quebec, instead of embarking on the ships at Barnaby Island, went as far as Father Point. Then the Minister of Marine wrote a letter to the Quebec pilots saying that the Government would pay the board of pilots, and everything like that. If we change the whole article and include Quebec district in article 381, that will mean further expense to the Quebec pilots, and they will have to ask a higher tariff.

Hon. Mr. DANDURAND: What effect will it have?

Mr. DORION: It will bring more expenses. Those expenses for the secretary-treasurer will have to be paid by the pilots themselves.

Hon. Mr. DANDURAND: Have you now a secretary-treasurer?

Mr. LANGLOIS: We have our own secretary.

Hon. Mr. DANDURAND: What would be changed if this clause were passed as it is?

Mr. LANGLOIS: It depends on what the pilotage authority would do. It is said that they may appoint a secretary and treasurer. We have our own secretary to look after our business.

Hon. Mr. DANDURAND: You pay him?

Mr. DORION: Yes.

Hon. Mr. DANDURAND: What difference would there be in cost?

Hon. Mr. CASGRAIN: There would be two.

Mr. LANGLOIS: We made a contract with the Government in 1906. We asked to raise the tariff, and that was not granted to us, but the Government paid an officer in Quebec. That is what we seek for. We are still incorporated. All our rights of handling our own business were taken away by the Government.

Right Hon. Mr. MEIGHEN: You want to keep your own secretary, and do not want to have one appointed for you?

Mr. DORION: Yes. We want the old article.

Captain ROBERTSON: The change is in conformity with what we are doing now. The proof of the pudding is that the Government pays the secretary in Quebec in the same way that it does in Montreal, Halifax, and Saint John; but under the change we took away all the powers from Quebec, and therefore, if we are going to put in something for Quebec we should do the same for Montreal, Halifax, Saint John, Sydney and British Columbia.

Hon. Mr. CASGRAIN: The Quebec pilots were in a different position. They were there before Confederation.

Captain ROBERTSON: But their powers were taken away from them in 1914, and we are now only putting them in the same category as those of Montreal and the other districts, under the minister.

Mr. DORION: We were exempted, and we want to be in the future.

Captain ROBERTSON: We are trying to get uniformity.

Right Hon. Mr. MEIGHEN: Does the Government pay your secretary now?

Mr. LANGLOIS: No, not our secretary, their secretary. They are taking charge of everything; they are doing the collecting and everything, and give us our money back.

Right Hon. Mr. MEIGHEN: Is there any authority in respect of the pilotage district of Quebec?

Mr. LANGLOIS: Just the collecting. They pay us every half month.

The CHAIRMAN: They do not interfere with the distribution?

Mr. LANGLOIS: Not at all.

The CHAIRMAN: And you get this extra secretary?

Right Hon. Mr. MEIGHEN: We will try to meet you, Mr. Langlois.

Mr. DORION: What we say is that we have some vested rights under the old law, and we think we should be allowed to retain them.

The CHAIRMAN: Now, the next article. Section 382.

Mr. DORION: In my memorandum there is a reference to paragraphs (b), (d), (f) and (h). That was discussed yesterday by Mr. St. Germain. We drop that and we come to paragraph (n). All we have to submit is that the amendment of Mr. St. Germain should read "for Montreal and Quebec" instead of for Montreal alone.

Mr. PIERRE CASGRAIN: I suggested that (n) and (o) might be eliminated because the power seems to be given in paragraph (e).

Mr. DORION: Oh, yes, I see.

The CHAIRMAN: What do you say to that, Captain?

Captain ROBERTSON: I have no objection to eliminating (n) and (o).

Mr. DORION: There is a new paragraph, (p), in this article. We do not know whether this should stand, because it gives extraordinary powers to the pilotage authority.

Hon. Mr. CASGRAIN: That is the minister?

Mr. DORION: If it is the minister.

Right Hon. Mr. MEIGHEN: It has to be confirmed by the Governor in Council. I should think that was all right.

Mr. DORION: Then we come on to section 384. We submit that there should be a paragraph 3 of this section in accordance with article 419 of the old law, which reads:—

A copy of every by-law made by the minister under this part shall be furnished to the Quebec Pilots' Corporation, twenty days before such by-law is submitted to the Governor in Council for the purpose of being confirmed.

We submit that the Quebec pilots should have the same right that they previously had, and that these by-laws should be submitted to them before being submitted to the Governor in Council.

Hon. Mr. DANDURAND: Why should it be limited to Quebec?

Mr. PIERRE CASGRAIN: Add Montreal too.

Mr. DORION: We have no objection. Article 419 referred to Quebec only.

Hon. Mr. DANDURAND: It should be a general enactment.

Captain ROBERTSON: We have given all the same opportunity. What we have done has been to level down instead of up.

Hon. Mr. L'ESPERANCE: You have no objection to these suggestions?

Captain ROBERTSON: Why should Quebec receive different treatment?

Right Hon. Mr. MEIGHEN: Should you submit every by-law and Order in Council a month before?

Captain ROBERTSON: We do it, but we do not want to do it for Quebec alone. We are doing it for all districts.

Right Hon. Mr. MEIGHEN: Then, why not put in a clause saying so?

Captain ROBERTSON: All right. The only reason we did not put that in is that it is hard to say who is the shipping interest that is to be consulted.

Hon. Mr. CASGRAIN: We are dealing with the pilots.

Captain ROBERTSON: The interests will have to be brought in as well. We will have to consult both sides on the situation.

Right Hon. Mr. MEIGHEN: You have no objection to a clause providing that you submit it to the pilotage associations?

Captain ROBERTSON: Of every district.

Hon. Mr. DANDURAND: Is there anything in the Bill that compels you to do the same for the shippers?

Captain ROBERTSON: We do it.

The CHAIRMAN: There must be two parties.

Mr. DORION: Then we come to section 389. It says:—

Every licensed pilot shall, on receiving his licence, be furnished with a copy of the tariff of dues and of the by-laws established within the districts for which he is licensed—

We submit that the following words should be added, “and of the regulations governing all harbours within his pilotage district,” because under section 392 the pilot is obliged to show those regulations when requested to do so.

Mr. HAWKEN: There is nothing to prevent any pilot getting those regulations now. We cannot force the Montreal Harbour Commission or the Quebec Harbour Commission to give those regulations. The pilot can get them himself.

Right Hon. Mr. MEIGHEN: If he can get them, it is all right.

Mr. DORION: He should receive them when he receives his licence.

Mr. HAWKEN: It is up to him to get those regulations.

Hon. Mr. DANDURAND: They would not be denied him?

Mr. HAWKEN: Oh, no.

Mr. PIERRE CASGRAIN: Where is it provided in the law?

Right Hon. Mr. MEIGHEN: It stands to reason that a man is entitled to the regulations under which he works.

Mr. PIERRE CASGRAIN: Has it been questioned? Have any pilots been refused?

Hon. Mr. CASGRAIN: No, they were never refused. Drop it.

Mr. DORION: Article 392 in this Bill is a new one. Previously the pilot was not obliged to carry these regulations.

Right Hon. Mr. MEIGHEN: Is that important, Mr. Hawken?

Mr. HAWKEN: It is important in this way. We think the pilot should have the regulations so that he can advise the master when he is coming to the port.

Right Hon. Mr. MEIGHEN: If you compel him to have them, shouldn't you make sure that he gets them?

Captain ROBERTSON: At the different ports the masters ask for the quarantine regulations. We put it in that the pilot has got to get them. We furnish them free. We don't know whether he has got them or not; he

may lose them. It is for him to come and ask, and we will give him as many copies as he wants. I am not in a position to go around every day and say "Have you a copy in your pocket?"

Right Hon. Mr. MEIGHEN: But should he not in the first place be furnished with a copy by yourselves?

Captain ROBERTSON: We do furnish them. The regulations are being changed. We have to get them from the other departments, for instance, the quarantine department and the cattle people. If we haven't got them, how can we furnish them?

Right Hon. Mr. MEIGHEN: It doesn't make much difference. They are entitled to them.

Mr. DORION: Section 393. The old article, No. 430, says:—

Every branch pilot or licensed pilot who passes two full and consecutive years without acting as a pilot, except in case of sickness, unavoidable absence or special permission from the pilotage authority shall forfeit his licence.

We should like to have the words "except in case of sickness, unavoidable absence or special permission from the pilotage authority" in the new section.

Captain ROBERTSON: That change has been made on account of the other districts being brought in under the minister. Outside of Quebec we have a pension fund. It is the pilot's own money, and if we allow a pilot to stay in the service indefinitely the pilots themselves will have to pay him. Therefore we say that when a man does not work for two years and does not pay any money into the pension fund, he should automatically drop out and get the pension that he is entitled to according to his years of service.

Mr. DORION: For Quebec and Montreal there are special provisions for the fund.

Captain ROBERTSON: Montreal is under the minister. Quebec is under the Corporation of Pilots.

Mr. DORION: According to the new Bill, if a Quebec pilot goes two years without acting, he will lose every right he has.

Captain ROBERTSON: Not at all. He only loses the right to continue as a pilot and to make other pilots pay for his pension.

Mr. DORION: We do not see why the change is made. The old article is fair enough.

Right Hon. Mr. MEIGHEN: That is to say, if a man claimed to be unavoidably absent he would have an absolute right to stay on?

Hon. Mr. DANDURAND: If he is sick for two years you do not put him out?

Mr. DORION: No, and according to the new Bill, if he is sick for two years he must take his pension.

Right Hon. Mr. MEIGHEN: Unless the pilotage authority says there is justification for his getting on again?

Mr. DORION: Yes.

Right Hon. Mr. MEIGHEN: I would say that was pretty fair.

The CHAIRMAN: Now, the next section.

Mr. DORION: Section 394. we submit that the words "without delay" should be changed to read "within a month" or fifteen days, or something like that.

The CHAIRMAN: "Without delay" means a reasonable time. That is all right.

Mr. DORION: There is a penalty of \$40.

Then I come to section 399. We submit that \$3 is not enough when a pilot is taken to sea. This section applies, I should say, only to the Quebec pilots. When they are taken to sea they have to go as far as Europe and spend most of the month before coming back, and I think they should be entitled to more than \$3 a day for losing all that time.

The CHAIRMAN: Wouldn't you think that \$3 a day and food was a pretty good wage in these days?

Mr. DORION: No. A pilot works only six or seven months.

Right Hon. Mr. MEIGHEN: He is entitled to that over and above the pilotage dues?

Mr. DORION: Yes, but there are no pilotage dues when he is taken to sea.

Hon. Mr. CASGRAIN: He does not earn any pilotage dues while he is in England.

Hon. Mr. L'ESPERANCE: Doesn't he share with the others? I thought the money was divided.

Right Hon. Mr. MEIGHEN: That is something we could not very well decide without careful inquiry. They might elect to take a nice trip.

Mr. DORION: Oh, no.

Mr. PIERRE CASGRAIN: They are taken away only when it is unavoidable.

Hon. Mr. CASGRAIN: It happens in a big storm, when they cannot be taken off.

Right Hon. Mr. MEIGHEN: What have you to say, Mr. MacCallum?

Mr. MACCALLUM: I object very much to the proposal. I think Mr. Dorion might tell you that under the old Act the allowance was \$2 and that it applied only to pilots and not to apprentices. This Bill changes it to \$3 and the shipping interests have not objected. I think Mr. Dorion is asking too much. If a ship goes out to Father Point and the weather is very bad and there is no chance to land the pilot the master would take him along, but it is a hardship on the ship. It does not happen very often. This is simply a request to penalize the shipping interests further. We claim that in the course of eight months the pilots receive very good remuneration.

Hon. Mr. BEAUBIEN: Isn't it a very rare occurrence for the pilot to be taken to sea?

Mr. MACCALLUM: Very rare.

Mr. DORION: There should be provision for the apprentices.

The CHAIRMAN: We will go on.

Mr. DORION: The next section is 406. An amendment has been proposed by the Shipping Federation, and we wish to add after the words "licensed pilot" in the fourth line, the words "for such district." The section as it reads now means that the pilots from Saint John, Montreal, or Halifax could come to Quebec and move the ship in the district of Quebec.

Now, 415 says:—

Every ship which navigates within any pilotage district within the limits of which dues are, for the time being, made compulsory under this part shall pay pilotage dues, unless such ship is on her inward voyage and no licensed pilot offers his services.

The line dividing the Quebec district from the sea is twenty-six miles long, extending from Father Point to Cape Colombier. The St. Lawrence River is twenty-six miles wide at that point. Therefore if a boat is coming up the river near the north shore she may avoid the pilotage dues because the pilot cannot offer his services if he does not see the boat.

Hon. Mr. CASGRAIN: That is where my amendment comes in.

Mr. DORION: On the north shore he would be twenty-five miles from Father Point.

The CHAIRMAN: What do you say, Captain Robertson?

Captain ROBERTSON: We make limits for all districts. We cannot confine ourselves to one spot. We have to give the ships room to manoeuvre, and we cannot order every ship to go to Father Point and look for trouble.

Mr. L'ESPERANCE: I think what Mr. Dorion is asking is how a pilot can go and offer his services if the ship chooses to pass right in the middle of the channel.

Captain ROBERTSON: We make regulations which we circulate throughout the world stating that the pilot's boat will be found within a certain radius.

Hon. Mr. L'ESPERANCE: Suppose the ship chooses to pass?

Captain ROBERTSON: We collect our dues.

Hon. Mr. L'ESPERANCE: It is not only a question of collecting dues. If a ship comes up without a pilot a serious accident may result. This has happened before. I think you should make pilotage compulsory.

Captain ROBERTSON: If the Government makes pilotage compulsory we will have to take responsibility for the actions of the pilots.

Hon. Mr. CASGRAIN: Isn't it true that for a hundred years and more the ships have gone to Father Point to take the pilot?

Captain ROBERTSON: Yes.

Hon. Mr. CASGRAIN: The river is twenty-six miles wide. The pilots must have a place to congregate. You could say "in the vicinity of Father Point," if you liked.

The CHAIRMAN: Has the present regulation caused any disturbance in the navigation of the St. Lawrence?

Hon. Mr. CASGRAIN: No.

The CHAIRMAN: Then, why have you regulations?

Captain ROBERTSON: This is not a new regulation. There is no necessity for new regulations, because I can recall only two cases during the last ten years in which ships passed Father Point without a pilot, and we immediately got the money from them.

Mr. PIERRE CASGRAIN: Oh, that is all right.

Hon. Mr. CASGRAIN: What about the safety of the other ships?

Captain ROBERTSON: It is only the ignorance of the shipping company, the foreigner, that causes them to pass. We cannot penalize everybody for the sake of one man.

The CHAIRMAN: I think we can pass on. There is a proposed amendment to 416 that comes from Halifax. They ask that in paragraph (ii) in line 26, the word "Ontario" should be added. That comes from the Interprovincial Steamship Lines, Limited, of Halifax, who operate five medium sized boats. Is there any objection?

Captain ROBERTSON: We are open to conviction.

Hon. Mr. BEAUBIEN: It is a very involved paragraph. What does it mean?

Right Hon. Mr. MEIGHEN: It is a list of voyages where the ship is exempt from pilotage.

The CHAIRMAN: Is Captain Mitchell here?

Captain MITCHELL: These vessels of the Interprovincial Steamship Company are exempt from St. Lawrence River pilotage when running from Halifax to Montreal and back again, but if they run from Halifax through Montreal to the lakes they have to pay pilotage, and it does not seem fair to them.

Right Hon. Mr. MEIGHEN: Should they pay or should they not?

Captain MITCHELL: I have no opinion to express on the matter. This is just a representation that I have been asked to make.

Hon. Mr. DANDURAND: What is the law and practice?

Captain MITCHELL: They pay pilotage when they come from Hamilton or Toronto.

Hon. Mr. DANDURAND: They are penalized for going to Toronto.

Hon. Mr. CASGRAIN: Are there many ships coming down from Ontario?

Captain MITCHELL: This is a new company that was started two or three years ago to trade from Halifax to the inland waters. They carry sugar and that sort of cargo from Halifax, and midland products back to the Maritimes.

Right Hon. Mr. MEIGHEN: What is the principle behind exempting them? Isn't it that they travel the route all the time and know it?

Captain MITCHELL: They know the route.

Right Hon. Mr. MEIGHEN: Why would they know the route any less if they travelled between Kingston and Halifax instead of between Montreal and Halifax?

Captain ROBERTSON: Ships travelling from the Maritime Provinces to Montreal operate under the International rules of the road. When they get above the Lachine Canal they operate under the Great Lakes rules of the road.

Right Hon. Mr. MEIGHEN: Anyone, as long as he is in that territory, operates under the rules of the road.

Captain ROBERTSON: Yes. But when that was taken out of the Act we didn't figure that vessels would come from the Maritime Provinces and we debarred the lake boats coming down the river because they did not know our regulations. But the condition is changed to-day to a certain extent, because the deep water ship is going up.

The CHAIRMAN: I have no brief for this company. It is carrying on a package service and doing an interprovincial trade in the products of the provinces. If it is reasonable that those ships should go to Montreal without pilotage it is equally reasonable that they should go to Ontario.

Mr. PIERRE CASGRAIN: Mr. St. Germain has something to say on this point.

Mr. ST. GERMAIN: This question was debated in 1908. I have here the debates of the House of Commons for 1907-8, volume 7. At that time Hon. Mr. Brodeur, Minister of Marine, outlined the reasons why Ontario should not be included. Of course, we quite realize that some of the pilots that come from Halifax know how to navigate the St. Lawrence River, because they navigate according to the International rules, but the people from Ontario don't know anything—well, they might know something—(laughter).

The CHAIRMAN: Captain Robertson said conditions had changed.

Mr. ST. GERMAIN: I did not finish my sentence. They are not so familiar with the International rules as the St. Lawrence pilots are. I do not intend to read all this debate—

Right Hon. Mr. MEIGHEN: I should hope not.

Mr. ST. GERMAIN: —but I would refer the Committee to page 12855. The debate took place on July 13, 1908.

Right Hon. Mr. MEIGHEN: Apparently these are Eastern people. They are not the ignorant Ontario people. They would know the rules.

Mr. ST. GERMAIN: I agree. But if the article were changed it would include the Ontario people, and they are not as familiar with the International rules as the people of the lower provinces.

The CHAIRMAN: No doubt there is room for an argument there. I suggest that that be left. Your objection is that if "Ontario" is put in, pilots can come down.

Mr. PIERRE CASGRAIN: Yes. That is the objection we have.

Mr. DUTHIE: All navigators, wherever they come from, before they are allowed to enter the district below Father Point are supplied with coasting licences. Those coasting licences are obtained only after years of experience in coasting waters, and the men who have them are perfectly familiar with the coasting routes and also the International rules of the road. They know that as soon as they reach Montreal harbour they are travelling under International rules; even when they go only to the foot of the Lachine Canal they know they are travelling under International rules.

In regard to the twenty-six mile line from Father Point to the north shore, I may say that a great many of the pulpwood boats travel the north shore. They go down light to get their load, and coming back they are on the north shore even if they are bound for Thorold or New York State points. They would rather do their own piloting, and pay for it than cross to Father Point. Sometimes the weather is extremely rough, and it would take them a couple of hours to get there.

There is no compulsory pilotage in Canada, as Captain Robertson pointed out. He happened to mention a couple of cases when no pilotage was taken. He was probably referring to ocean steamers. I myself have O.K'd dozens of bills. It is rather remarkable that the only accidents we had with pulpwood cargoes between Quebec and Montreal happened when there were Quebec pilots on board. They are very skilful pilots and know the river well, but they do not like these 8-knot boats, and they take short cuts.

In the Act of 1908 there was a different clause about exempted ships having a draft not exceeding sixteen feet when loaded, and employed exclusively in voyages between any port or ports on Lake Ontario, Lake Erie, Lake Huron, Lake Superior, Lake Michigan or any of the waters connecting those lakes, and any port or ports on the St. Lawrence River or between any ports on the St. Lawrence River.

It is our intention to put in writing an amendment to restore that to the Act but leaving out the word "exclusively" because exclusively may mean anything.

Right Hon. Mr. MEIGHEN: You think Ontario should be in?

Mr. DUTHIE: With the restoration of the former Act you will not need it. I would rather put in the old clause. It was taken out under rather peculiar circumstances. It resulted from this fact. An American steamer that only had a pilot licence as far as Ogdensburg was navigating in the harbour of Montreal. Nobody on board had a certificate. There was objection, and later it was taken out and never put back.

Although there is exemption from pilotage under the Act between Montreal and Quebec, still on account of the length of the voyage, it is customary to take a pilot. But below Quebec the river is very easy. Father Point is not the nicest place imaginable—you cannot forget the Empress and the Storstadt, but the river is well marked, and we have never had an accident except when we had a pilot aboard. We would be quite satisfied if the old clause was restored, leaving out the word "exclusively."

The CHAIRMAN: What do you say to that?

Captain ROBERTSON: I am open to conviction.

Mr. PIERRE CASGRAIN: Leave it the way it is.

Captain LANDRY: I am a practical captain on inland waters, and I am here on behalf of the Canadian Navigators. My opinion is that this should stand as it stood in the old Act, because, as captains on the Great Lakes, we have the right

to do our pilotage. We are used to the Great Lakes rules of the road. The pilotage district between Montreal and Quebec has a by-law of its own; it has different signals in fogs from what we use on the upper lakes, and when we have to go down to Quebec the rule in the book is correct for us, but with the new law we will have to learn all these rules, and they are altogether different, and might cause a misunderstanding and a big accident.

The CHAIRMAN: You refer to the whole of section 416?

Captain LANDRY: No. I refer to including the province of Ontario. As Mr. Duthie said, we have to pass by the International rule and the Inland Water rule. But we have on the Great Lakes a practice of passing that the International men don't know, and in the by-law from Montreal to Quebec they have a restriction that we don't know.

The CHAIRMAN: You don't want the word "Ontario" added?

Captain LANDRY: No, sir.

Hon. Mr. McLENNAN: May I call the attention of the Committee to the coal-bearing trade from Nova Scotia and Cape Breton to Montreal. Ships in that trade go to Montreal without pilotage. Why should they not go to Ontario without compulsory pilotage?

Hon. Mr. CASGRAIN: They would have to be canal boats.

Hon. Mr. McLENNAN: The small boats could go up, and have gone up to Cornwall and Valleyfield. Why, because a boat does that once in a season, should she be penalized, whereas on the trip to Montreal she has free pilotage?

The CHAIRMAN: Now we can proceed.

Mr. DUTHIE: I should like to know whether Captain Landry is speaking for himself or for the Canadian Navigation Federation, and whether the question was ever put before that Confederation. Half of our captains are members of the Federation, and I do not believe that any one of them would express the same views as he has expressed.

Captain LANDRY: I am talking only about the practical point of view for myself.

The CHAIRMAN: Suppose the rules for the Great Lakes and the International rules were the same—

Captain LANDRY: Then I would have no objection.

Mr. DORION: Regarding paragraph (e) of section 416, we submit that it should read "steamships registered in any part of Canada." The word "Canada" should replace "His Majesty's Dominions." As it reads now a ship coming from any Dominion may be exempted.

Right Hon. Mr. MEIGHEN: What does an Australian ship know about that part?

Captain ROBERTSON: If they come into our coasting trade and comply with all its sections they would be exempted, but if they came from Australia to Montreal they would not be exempted.

Mr. DORION: Now, section 432.

The CHAIRMAN: What is your suggested change or objection to that?

Mr. DORION: The objection is that it is very inconvenient for the pilots to carry such a flag with them, and they contend they do not need it. Maybe Mr. Langlois can give us an explanation.

Right Hon. Mr. MEIGHEN: That is the old Act.

Mr. DORION: No, the old Act does not require the pilot to have a flag with him.

Right Hon. Mr. MEIGHEN: According to my notes it does.

Mr. DORION: Old section 483 requires the pilot to display a flag.

Right Hon. Mr. MEIGHEN: That is all this section requires.

Mr. LANGLOIS: In former days there were three stations, one at Bic, one at Tadoussac on the Saguenay river and one at Brandy Pot. Suppose a ship picked up a pilot at the eastern station, then the pilot would have to carry a flag to the next station west showing there was a pilot on board.

Mr. HAWKEN: In every part of the world when a pilot is in charge of a boat he displays a flag.

The CHAIRMAN: Next.

Mr. DORION: Section 434. Under the old section 485 the contribution to the pilot fund is 7 per cent. This section proposes 5 per cent. It is asked that the contribution remain at 7 per cent.

The CHAIRMAN: This says, "not less than 5 per cent." It may be 7 per cent.

Captain ROBERTSON: It may be 20 per cent, if they want to pay that percentage.

The CHAIRMAN: The new section simply says you may not go below 5 per cent. What is the next question?

Mr. DORION: Section 437. We ask that January be changed to February.

Captain ROBERTSON: That is in the present Act. We are not particular about it.

Right Hon. Mr. MEIGHEN: February will do, then.

Mr. DORION: Section 447 provides that a pilot shall be liable to suspension or cancellation of his licence by the pilotage authorities of the district for any of the offences mentioned upon such evidence as the said authority deem sufficient, and whether he has or has not been convicted of or indicted for such offence. We cannot understand why a pilot should be liable to suspension after an investigation if he has not been found guilty.

Right Hon. Mr. MEIGHEN: You say the pilotage authorities should have no jurisdiction unless there is a previous conviction?

Mr. DORION: Yes. If the pilot is not found guilty of such offence, I do not think the pilotage authority should have power to revoke his licence.

Right Hon. Mr. MEIGHEN: It may be too cumbersome. What do you say, Mr. Hawken?

Mr. HAWKEN: No, sir. We want to take action by the pilotage authority before the case comes into court.

Right Hon. Mr. Meighen: Suppose the pilot has been found not guilty, you could not go ahead in the court.

Mr. HAWKEN: No.

The CHAIRMAN: He would not be suspended if he were not found guilty.

Mr. PIERRE CASGRAIN, M.P.: There should be no cancellation of licence until the pilot is convicted before the court.

Mr. HAWKEN: We have no objection to that.

Right Hon. Mr. MEIGHEN: Strike out "or cancellation of his licence."

The CHAIRMAN: Next.

Mr. DORION: Section 449. In old section 536 the penalty is \$40. Now the penalty is \$200 and suspension or cancellation of the pilot's licence. There is no reason for this new amendment. The section should be left as it was.

Right Hon. Mr. MEIGHEN: You want to get off easy.

Mr. DORION: No, I think the old section worked very well.

Mr. HAWKEN: If a pilot does not commit the offence the amount of penalty cannot affect him. It is a pretty serious offence.

Right Hon. Mr. MEIGHEN: He might demand and receive a thousand dollars, and under the old section all he would lose would be \$40.

Mr. DORION: It worked very well in the past.

Hon. Mr. BEAUBIEN: What is the reason for this new section?

Captain ROBERTSON: Certain dues are permitted to be collected. We insist that the pilot confine himself to the regulation dues and not ask for an illegal amount.

Hon. Mr. BEAUBIEN: How is the pilot going to get more than the law allows? The company is not going to pay anything in excess of the legal dues.

Captain ROBERTSON: The captain does not know the tariff. He may pay \$80 when the legal rate is \$40.

Hon. Mr. BEAUBIEN: Do you think there is any danger of the company paying \$100 instead of \$40?

Captain ROBERTSON: Yes. In fact it has been done only within the last six weeks.

Hon. Mr. BEAUBIEN: Does it happen often?

Captain ROBERTSON: No, but it has happened.

Hon. Mr. BEAUBIEN: And the corporation has received money that it was not entitled to receive? In that case the company owning the boat could get the money back. The corporation is a solvent body. I cannot see any serious danger.

Captain ROBERTSON: We have had a case recently.

Hon. Mr. BEAUBIEN: Only one case?

Captain ROBERTSON: Yes. The pilot got the master to sign a card for a rate that was not according to the law. The court decided that having signed the card he had given his promise to pay.

Hon. Mr. BEAUBIEN: Notwithstanding that the law says the rate should not be more than \$40?

Captain ROBERTSON: Yes.

Mr. DORION: I was one of the lawyers in that case. We got judgment in our favour. I think that is the best answer I could give the Committee.

Mr. MACCALLUM: When you went before the court was the master who signed the card available?

Mr. DORION: I do not know.

Right Hon. Mr. MEIGHEN: You got judgment perhaps because they could not produce the master.

Mr. DORION: They asked us to wait a year or more.

Right Hon. Mr. MEIGHEN: I know, but they could not get the master, so you won out.

Hon. Mr. BEAUBIEN: How could you get judgment for more than the law allows you?

Mr. DORION: Perhaps Mr. Langlois will explain.

Mr. LANGLOIS: In the fall of the year when the weather is bad and there is lots of ice around, the pilot may advise the captain that he cannot take the ship alone because he might be away six or seven days. So the captain takes two pilots, and then he has to pay those two pilots. That is what Mr. Dorion is referring to.

Hon. Mr. BEAUBIEN: In the case you mentioned, Mr. Dorion, there was one pilot?

Mr. DORION: Yes.

Hon. Mr. BEAUBIEN: And that pilot claimed more than he was entitled to by law: Is that right?

Mr. LANGLOIS: No.

Hon. Mr. FOSTER: The law provides a fee for each pilot, but under the circumstances mentioned two went on board the ship, and they charged the double rate?

Mr. LANGLOIS: Yes.

Right Hon. Mr. MEIGHEN: Is not the great danger the dishonest master? Perhaps he is standing in with the pilot and gets something for signing the card. Does it not open the door for fraud on the ship owner, and is not the new section an attempt to stop that?

Mr. LANGLOIS: No. A pilot under the conditions in the fall cannot stand the work long.

Right Hon. Mr. MEIGHEN: Where two pilots are necessary they have to be paid, and that is allowed here. Where more than the right fees are paid the master would be party to the fraud.

Hon. Mr. BEAUBIEN: The money is paid to the corporation.

Right Hon. Mr. MEIGHEN: But the pilots get the benefit in the end.

Mr. MACCALLUM: The point is this. The master of a foreign ship reaches Father Point late in the season. He may not know all the pilotage regulations. There is a higher pilotage fee payable at the end of the season. Only one pilot is supposed to pilot his ship. In this case the second pilot went on board. We claim he induced the master to sign a second pilotage card, and was paid through the courts. If pilots are allowed to do that they will bring the whole system into disrepute. We desire to prevent pilots doing anything of that kind. We claim that we pay them very well on the St. Lawrence.

Hon. Mr. DANDURAND: Is there such a practice as two pilots coming up on a ship?

Mr. MACCALLUM: No, it is not the practice. Sometimes in the fall an extra man may be taken on gratuitously by the master. He is paid a flat sum of money as a pilot's mate, but the pilot has no right to it under the law. It is a gratuity.

Mr. DORION: That is what happened in this case. We submit that if the word "or" replaced "and" it would be fairer to everybody. If the pilot makes an error and charges a little more than he is entitled to he will be suspended.

The CHAIRMAN: We will consider that.

Mr. DORION: Section 651 provides that formal investigations shall be held in some town hall or county courthouse, or public building, or in some other suitable place to be determined by the court. We submit that it is a well known principle of law, in commercial as well as in criminal cases, that the proceedings should take place in the district in which the cause of action arose.

Right Hon. Mr. MEIGHEN: There is no change from the old law. You want a change?

Mr. DORION: Yes, to provide that the investigation shall be held in the district where the cause of action arose.

Right Hon. Mr. MEIGHEN: There might be no place in which to hold the investigation.

Mr. DORION: There are only two districts in Quebec, Quebec and Montreal.

Captain ROBERTSON: We follow the ship. If the ship is in Halifax, say, it is quicker to take one pilot down there than to bring the whole crew to Montreal and tie up the ship.

Mr. DORION: But if the pilot has to go to Saint John or Halifax to make his defence, he will be put to considerable expense.

Hon. Mr. L'ESPERANCE: Has it worked any hardship in the past?

Mr. DORION: I do not know.

Mr. LANGLOIS: Yes. An accident happened in the river, and the investigation was held in Halifax. The pilots had to pay their own expenses.

Right Hon. Mr. MEIGHEN: If they were innocent, were they not allowed their expenses by the court?

Mr. LANGLOIS: There is no law to provide for it.

Right Hon. Mr. MEIGHEN: Oh, yes, the court has discretion as to costs. It is all a question of keeping the costs down.

Mr. LANGLOIS: If it is covered it is all right.

Hon. Mr. CASGRAIN: Section 656 covers it. The costs of investigation are dealt with by the court.

Right Hon. Mr. MEIGHEN: I thought so.

The CHAIRMAN: Next.

Mr. DORION: Section 656. We wish to be certain that this Bill contains a provision similar to that in old section 776, that every investigation shall be conducted in such a manner that if a charge is made against any person, such person shall have an opportunity to make his defence. I think that should be inserted as paragraph 2 of section 656.

Right Hon. Mr. MEIGHEN: Are you sure that is not in some other part of the Bill?

Mr. DORION: We could not find it.

Right Hon. Mr. MEIGHEN: We will make a note of that. Go ahead.

Mr. DORION: The last one is section 662, paragraph 3. Under the old law right of appeal was given to the pilot before the Superior Court of Quebec. We have no objection to go before the Exchequer Court, but this paragraph 3 does not give a pilot the right of appeal when he has been found guilty and has been condemned to pay a penalty only; it gives that right only when he is suspended.

Captain ROBERTSON: We are following Old Country procedure.

Mr. DORION: This right of appeal was given to us in the old law. It was made specially applicable to Quebec by sections 538 and 539.

Captain ROBERTSON: That was repealed in 1914.

Mr. DORION: Those sections are in chapter 186 of the revised statutes of 1927.

Hon. Mr. BEAUBIEN: Then those sections could not have been repealed.

Captain ROBERTSON: The minister has all the power of the corporation of Quebec. Everything was vested in him other than the pilots' pension fund. They have no vested rights to-day that are infringed upon.

Right Hon. Mr. MEIGHEN: If it is in the revised statutes it is law, no matter whether it was repealed or not.

The CHAIRMAN: Any further questions you would like to ask this witness?

Mr. MACCALLUM: Mr. Dorion asked that section 419 of the Canada Shipping Act be revived and put in the new Act. It calls for twenty days' notice of new by-laws. I suggest that as notice is not given to Montreal, Halifax or to any other place, it should not be given to Quebec.

Mr. DORION: We have no objection.

Mr. MACCALLUM: I do not think it is necessary that pilots anywhere should be given twenty days' notice of change.

Right Hon. Mr. MEIGHEN: Or that you should?

Mr. MACCALLUM: No. It is only in the case of Quebec under the old Act.

Hon. Mr. L'ESPERANCE: What objection do you find to it?

Mr. MACCALLUM: I object to Quebec being singled out. We do not get twenty days' notice of change of by-law, nor should the pilot.

Mr. DORION: We do not object.

Hon. Mr. DANDURAND: There should be no objection to your getting the same notice.

The CHAIRMAN: All right.

Hon. Mr. FOSTER: They should have notice, certainly.

The CHAIRMAN: Are there any other witnesses here now? I have no notice of any.

Mr. DUTHIE: Mr. Chairman, we have quite a number of amendments to bring forward. We shall not be able to present them this afternoon, but we could present them as a brief next week.

The CHAIRMAN: Will you give them to us as early as possible.

Mr. DUTHIE: We could have them ready by Tuesday, or at the latest by Wednesday. The amendments refer to fifty or sixty sections.

The CHAIRMAN: You are representing the Canada Steamships?

Mr. DUTHIE: Yes. I could go over them right now.

Right Hon. Mr. MEIGHEN: You had better try to have them ready for Monday. Perhaps you can shorten them up.

The CHAIRMAN: We will meet this afternoon at twenty minutes after the House adjourns. Then we will fix the date of our next meeting.

The Committee adjourned at 1 p.m.

